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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,221	08/23/2001	Seiichi Kawano	JP920000184US1	1698

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SAWYER LAW GROUP LLP  
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EXAMINER
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VU, JIMMY T

ART UNIT	PAPER NUMBER
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2821

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Supplemental

## Office Action Summary

Application No.

09/938,221

Applicant(s)

KAWANO, SEIICHI

Examiner

Jimmy Vu

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This Office Action is to replace the Office Action mailed on 07/06/2006. In view of newly found prior art to Yamashita et al. (U.S. Patent 6,222,323 B1), the rejections of claims 1-6 are being provided as follows.

#### ***Abstract***

The abstract of the disclosure is objected to because the number should be formed in a parenthesis. Correction is required. See MPEP § 608.01(b).

#### ***Claim Objections***

1. Claims 2-3, 6 are objected to because of the following informalities:

Regarding claim 2, line 2, it is unclear because the term of "a type of application to be displayed in said window" is not understood. What does applicant mean of "the type of application" and also, there is no structure to be defined the type of the application provided in the structure of the claim. Please, clarify.

By applying art, the examiner assumes that "said evaluator detects the feature displayed on the screen."

Regarding claim 3, line 1, it is unclear because the examiner does not or confuse that how or what is the "method displayed the data of the application." Further, there is no structure that defined what is the "method" that be displayed in the window, and how does it work or perform?

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By applying art, the examiner assumes that "said evaluator detects the feature displayed on the screen."

Regarding claim 6, it is unclear because the examiner that confuses whether the rate of size of the window that being already set by the controller then how can it be set by the evaluator to the size of the screen of the display unit that is over a certain value. What is a value of the certain value that being set. Please, clarify the claim.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamashita et al. (U.S. Patent 6,222,323 B1).

As to claim 1, Yamashita et al. discloses a brightness controlling apparatus (a display device, see figure 8), comprising:

an evaluator (10, column 7, line 3) displayed on a screen (6, column 7, line 1) of a display unit; and

a display controller (9, column 7, line 2) detected by said evaluator (10).

As best understood to claims 2-3, Yamashita et al. discloses said evaluator (10) detects the brightness (the brightness feature) displayed in said window (6); and said display controller (9) controls said brightness of said screen of said display unit.

As to claim 4, Yamashita et al. discloses said evaluator (10) calculates the display brightness in said window according to a draw signal issued to said window displayed on said screen of said display unit (see column 7, line 8 through column 8, line 8); and said display controller (9) controls the brightness of said screen (6) of said display unit.

As to claim 5, Yamashita et al. discloses said evaluator (10) detects a feature of a focused window on said screen (6).

As best understood to claim 6, Yamashita et al. discloses said display controller (9) sets the screen brightness of said display unit (see column 7, lines 23-26) in case the rate of the size of said window (6) whose feature is detected by said evaluator (10) to the size of said screen.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Vu whose telephone number is (571) 272-1832. The examiner can normally be reached on M - F: 9 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan can be reached on (571) 272-1740. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2800.

Jimmy Vu

December 20, 2006



PRIMARY EXAMINER